

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MAURA A. KENNEDY

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

INTERNATIONAL BUSINESS  
MACHINES CORPORATION (IBM)

(In the space above enter the full name(s) of the defendant(s).  
If you cannot fit the names of all of the defendants in the space  
provided, please write "see attached" in the space above and  
attach an additional sheet of paper with the full list of names.  
Typically, the company or organization named in your charge  
to the Equal Employment Opportunity Commission should be  
named as a defendant. Addresses should not be included here.)

COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION

Jury Trial: ☐ Yes ☒ No

08 CIV. 7210

JUDGE ROBINSON

This action is brought for discrimination in employment pursuant to: (check only those that apply)

X

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

**NOTE:** In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

**NOTE:** In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name MAURA A. KENNEDY  
 Street Address 45 PATRICIA DRIVE  
 County, City DUTCHESS, PLEASANT VALLEY  
 State & Zip Code NEW YORK, 12569  
 Telephone Number 845-635-3048

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name IBM CORPORATION  
 Street Address 2070 ROUTE 52, ZIP 43X  
 County, City DUTCHESS, HOPEWELL JUNCTION  
 State & Zip Code NEW YORK, 12533  
 Telephone Number 845-894-2121

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer IBM CORPORATION  
 Street Address 2070 ROUTE 52, ZIP 43X  
 County, City DUTCHESS, HOPEWELL JUNCTION  
 State & Zip Code NEW YORK, 12533  
 Telephone Number 845-894-2121

**II. Statement of Claim:**

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

☐ Failure to hire me.  
☐ Termination of my employment.  
☒ Failure to promote me.  
☐ Failure to accommodate my disability.  
☒ Unequal terms and conditions of my employment.

X Retaliation.

Other acts (specify): \_\_\_\_\_

**Note:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 3/09/2006.  
Date(s)

C. I believe that defendant(s) (check one):

\_\_\_\_\_ is still committing these acts against me.

X is not still committing these acts against me. (NO LONGER MY MANAGER)

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

- ☐ race \_\_\_\_\_ ☐ color \_\_\_\_\_
- ☒ gender/sex \_\_\_\_\_ ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☐ age. My date of birth is \_\_\_\_\_ (Give your date of birth only if you are asserting a claim of age discrimination.)
- ☐ disability or perceived disability, \_\_\_\_\_ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

PLEASE SEE ATTACHED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Note:** As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

### III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: MAY 31, 2007 CHARGE # 520-2007-03588 (Date).

B. The Equal Employment Opportunity Commission (check one):

\_\_\_\_\_ has not issued a Notice of Right to Sue letter.  
X issued a Notice of Right to Sue letter, which I received on 5/20/2008 (Date).

*Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.*

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

\_\_\_\_\_ 60 days or more have elapsed.  
\_\_\_\_\_ less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: ADJUSTMENT OF SALARY FOR LAST 3 YEARS OF SERVICE WORKING FOR THOMAS CONNER (WORKED FULL-TIME SCHEDULE, PAID PART-TIME WAGES. ALSO, ADJUSTMENT OF RETIREMENT TO REFLECT FULL-TIME STATUS.  
(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 9 day of AUGUST, 2008

Signature of Plaintiff

Address

Maura H. Kennedy  
45 PATRICIA DRIVE  
PLEASANT VALLEY, NY 12569

Telephone Number

Fax Number (if you have one)

## **EEOC Charge Statement - 5/29/2007**

Maura Kennedy

45 Patricia Drive,

Pleasant Valley, New York 12569

Tel: (845) 635-3048

This statement is to document the circumstances surrounding my EEOC Charge.

I worked for an IBM Manager, Thomas Conner for approximately 5 years (2000-2005). During this time, as an IBM employee, I was subjected to sexual harassment, bullying, intimidation, and job threats on a continuing basis. My manager's conduct created an overwhelming intimidating, offensive, hostile work environment that affected my employment, home life and mental well being. My situation was an extremely difficult one since the harasser was a manager.

The harassment events culminated into this manager screaming at me to get the "fuck" out of his office, that he would put me on notice if I ever talked to him that way again and that he was going to call HR on me.....this occurred as a result of me trying to have a business discussion telling him that I found his behavior and language to be offensive and discriminatory against women and that he was out of control.....

**1) Physical Restraint:** I was physically restrained by my manager Thomas Conner. Upon him being informed I was to meet with his boss, he blocked the exit to my office, told me there was no need to escalate to his manager, upon attempting to leave my office, he grabbed my arm and told me that I should reconsider my position to see his manager.

**2) Continuous Threats:** I was subjected to threats from my manager Thomas Conner on an ongoing basis. He would tell me to get the fuck out of his office on a regular basis, told me his manager wouldn't listen to my bullshit, threatened my employment because I finally stood up to him and told him I would not allow him to disrespect me any longer.

**3) Total Disregard For Women:** Frequent disturbing comments including a) "If they ain't worth fucking they ain't worth nothing", b) "What Marilyn really needs is a man", c) "the problem with Ann Marie is all her money goes up her nose, she's a coke head", d) "I need to get some testosterone in this department", e) "She won't find another job, she won't even leave her loser husband".

**4) Lowered Performance Rating in Retaliation:** Mr. Conner was forcing me out of the department as well as compromising my performance rating. My performance rating was inconsistent with all other comments. Upon looking at a new position, Mr. Conner documented to me in an email that

"I really feel this is a great opportunity to showcase your ability and experience in working with and coordinating a team". Performance rating was dropped one month later, totally inconsistent with Mr Conner's own words just one month prior.

**5) Hostile Work Environment:** As stated earlier, Mr. Conner subjected me to offensive jokes, abusive language, as well as degrading women. Mr. Conner also maligned me to other department members as well as other members of the management team. After escalating the situation I was forced to work in this hostile environment for another 8 months.

**6) Employer Liability:** My employer took no steps to remedy this situation. I attempted to take advantage of all avenues provided by IBM but my efforts were dismissed. I escalated to two Vice Presidents who took absolutely no corrective action and failed to address my concerns. I also went forward to the site personnel manager who told me she didn't want to make any statements because they could possibly be used negatively, she refused to take action. The process for problem resolution does not exist at IBM.

As recently as one month ago, a former employee of Mr. Connors and a former co-worker of mine came to my office and said, "Aren't you glad you are not working for Tom any longer, what he did to you was not right. He also said, you better watch it, that Tom knows what your new assignment is and has communicated he will be attempting to become involved in the same project with you.

I am not the only female employee who has suffered the consequences of working for Mr. Conner. Recently, two other female employees were victims of resource actions. I can readily provide the names if necessary.

I believe I have made every effort to remedy my concerns internally within IBM, my efforts were not recognized and no action has been taken. I have had to undergo therapy at my own expense, this has had a significant impact on both my professional and personal life, my family, as well as my health. I have included a letter from my therapist which documents her concerns as well. I have previously provided a 20 page presentation which contains much more detail. If another copy is needed, please let me know and I can provide another copy. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Maura Kennedy". The signature is written in dark ink and is positioned above the printed name.

Maura A. Kennedy

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Maura A. Kennedy**  
**45 Patricia Drive**  
**Pleasant Valley, NY 12569**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**

☐

On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2007-03588**

**Katherine Greenfield,**  
**Investigator**

**(212) 336-3762**

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

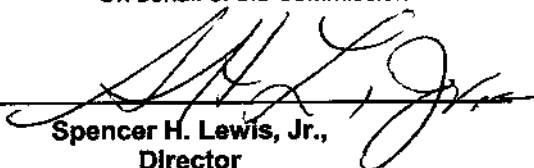
☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
**Spencer H. Lewis, Jr.,**  
**Director**

**5/15/08**  
 (Date Mailed)

Enclosures(s)

cc: **Karen Young**  
**IBM CORPORATION**  
**2070 Route 52 zip 43-X**  
**Hopewell Junction, NY 12533**



**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02** -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII and the ADA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***